

No. PD-1362-18

**IN THE TEXAS
COURT OF CRIMINAL APPEALS**

FILED
COURT OF CRIMINAL APPEALS
3/24/2021
DEANA WILLIAMSON, CLERK

**DEWEY BARRETT, Appellant,
v.
THE STATE OF TEXAS, Appellee.**

On Appeal from the Twelfth Court of Appeals
and the Seventh District Court of Smith County, Texas
Cause Nos. 12-18-00023-CR and 007-1252-17

**APPELLANT'S MOTION FOR EXTENSION OF TIME
TO FILE MOTION FOR REHEARING**

TO THE HONORABLE COURT OF APPEALS:

NOW COMES, Dewey Barrett, through his attorney of record, Christie Merchant, and moves the Court for an extension of time to file a Motion for Rehearing, pursuant Rules 79 and 10.5(b) of the Texas Rules of Appellate Procedure, and in support thereof would show as follows:

This Court issued its opinion in this matter on March 10, 2021. No prior extensions for filing a motion for rehearing have been granted.

Undersigned counsel requests an extension of 60 days to file a motion for rehearing because undersigned counsel needs additional time to familiarize herself

with the record, underlying facts, and law relating to this matter. Undersigned counsel was appointed to represent Appellant on Monday, March 8, 2021 because the original attorney is now a district court judge in Smith County, Texas. On Wednesday, March 10, 2021, the Court issued its opinion, which was also accompanied by dissenting and concurring opinions. Due to counsel's appointment to the case being merely two days before the opinion was issued, counsel must familiarize herself with the complete record and briefings in order to competently prepare a motion for rehearing.

Undersigned counsel is not seeking this extension for purposes of delay and is making the request in good faith so as to provide Appellant effective assistance of counsel. In addition to the motion for rehearing that is due in this case and her regular appellate docket, counsel has been appointed in several other cases where prior counsel was required to withdraw because of his new role as a district court judge. The cases with remaining deadlines include *Pendergraft v. State*, 12-18-00091-CR; *McCollister v. State*, 12-20-00048-CR; *Young v. State*, 12-19-00374-CR; and *George v. State*, 12-19-00367-CR. All cases are appeals from jury trials consisting of multiple volumes and have deadlines for the amended briefs to be filed on either March 31, 2021 or April 1, 2021.

WHEREFORE, PREMISES CONSIDERED, undersigned counsel prays that this Honorable Court will extend the time for filing a Motion for Rehearing for a period of sixty days.

Respectfully submitted,

/s/ Christie M. Merchant
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Attorney for Dewey Barrett

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing Appellant's Brief was served to Michael West, Aaron Rediker, and the State Prosecuting Attorney by EfileandServe on March 24, 2021.

/s/ Christie M. Merchant
Christie M. Merchant

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Associated Case Party: The State of Texas

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